

**JULY 10, 2008**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

**08 C 50138**

KENNETH POLSON, )  
Petitioner, )  
—vs— )  
MEGAN POLSON, )  
Respondent. )

**CASE NO.****ASSIGNED JUDGE: JUDGE REINHARD  
MAGISTRATE JUDGE MAHONEY****MAG. JUDGE: MAHONEY**

**PETITION FOR RETURN OF CHILD PURSUANT TO 42 U.S.C. § 11601  
(INTERNATIONAL CHILD ABDUCTION REMEDIES ACT)**

NOW COMES the Plaintiff, KENNETH POLSON, by and through his attorneys, Schirger, Monteleone & Hampilos, P.C., pursuant to 42 U.S.C. § 11601 (International Child Abduction Remedies Act), and in support of his Petition for Return of Child, alleges as follows:

**INTRODUCTION**

1. The Petitioner is seeking return of his minor son, Robert, to Australia pursuant to 42 U.S.C. § 11601, “International Child Abduction Remedies Act (ICARA),” such statute establishing procedures to implement the October 25, 1980 Hague Convention on the Civil Aspects of International Child Abduction.

2. The objectives of the Hague Convention are as follows: to secure the prompt return of children wrongfully removed to, or retained in, any Contracting State (Art. 1(a)), and to ensure that the rights of custody, and of access, under the law of one Contracting State are effectively respected in the other Contracting States (Art. 1(b)).

**PARTIES**

3. The Petitioner, Kenneth Polson, is a resident of Australia.  
4. The Respondent, Megan Polson, has resided in the State of Illinois since approximately November 2007; however, prior to November 2007, she was a resident of

Australia.

5. The parties' minor son, Robert Polson, born December 22, 2003 in Perth, Australia, has resided with the Respondent in the State of Illinois since approximately November 2007; however, prior to November 2007, he was a resident of Australia as well. (A copy of Robert's birth certificate is attached as Exhibit A). Robert will be sixteen (16) years-old on December 22, 2019.

### **JURISDICTION**

6. This Court has jurisdiction under 42 U.S.C. § 11603(a).

### **VENUE**

7. Pursuant to 28 U.S.C. 1391(b), venue is proper in the Northern District of Illinois because a substantial part of the events giving rise to the claim occurred here.

### **ALLEGATIONS**

8. Kenneth, Megan, and Robert lived together in Perth, Australia until approximately November 2007 when Megan took Robert to the United States to visit her family in the Northern Illinois area. (See Affidavit of Kenneth Polson, attached as Exhibit B, in support of this, and subsequent, allegations).

9. Since coming to the United States in November 2007, Megan has refused to return to Australia, and has also refused to return Robert to Australia.

10. In fact, she filed for divorce from Kenneth on May 21, 2008 in Ogle County, Illinois and, upon information and belief, is currently living with an individual named Jeremy in Murphysboro, Illinois.

11. At the time Megan left for the United States, she had not indicated a desire to get divorced, nor had she expressed any intent whatsoever to remain in the United States permanently, and to keep Robert with her.

12. Megan's retention of Robert in the United States, and her refusal to return Robert to Australia, is wrongfult.

13. Kenneth has custodial rights as to Robert in that he is Robert's natural and legal father, and prior to Robert coming to the United States in November 2007, Kenneth was fully exercising these custodial rights.

14. Immediately prior to Robert going to the United States with his mother, Robert habitually resided with both of his parents in Perth, Australia.

15. Through his Australian Attorney, Kenneth has filed a Hague Application for the return of Robert. (Attached as Exhibit C).

16. All efforts by Kenneth to secure the voluntary return of Robert have failed.

WHEREFORE, the Petitioner, KENNETH POLSON, respectfully requests that this Court:

A. Find that Robert habitually resided in Australia, that he has been wrongfully retained in the United States by Megan, and order the immediate return of Robert to Australia so that any custodial matters can be properly handled by Australian courts;

B. Pursuant to section 11607, order Megan to pay the reasonable costs, attorney's fees, and travel expenses incurred by Kenneth for having to bring this Hague Petition; and

C. For any other relief this Court deems to be just and equitable.

**DATED: JULY 10, 2008.**

RESPECTFULLY SUBMITTED,  
Kenneth Polson, Petitioner

By: \_\_\_\_\_ /S/ George P. Hampilos \_\_\_\_\_

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